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Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

August 19, 2010

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Office of Proceedings

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Public Record

**VIA E-FILE**

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E. Street, S.W., Room #100  
Washington, DC 20423-0001

**RE: Union Pacific Railroad Company - Abandonment - In Carver and Scott  
Counties, Minnesota, (Chaska Industrial Lead); STB Docket No. AB-33  
(Sub-No. 255)**

Dear Ms. Brown:

Union Pacific Railroad Company ("UP") has received a request from the Scott County Park and Trails (Community Development Division) (the "SCPT") on behalf of the Carver County Regional Rail Authority and the Scott County Regional Rail Authority requesting reinstatement for sixty (60) days of the negotiation period for the issuance of an Interim Trail Use Condition for that portion of the Chaska Industrial Lead from Milepost 38.0 near Merriam to Milepost 33.0 in Chaska, in Scott and Carver Counties, Minnesota (the "Line").

The SCPT's request for the Interim Trail Use Request excludes both the Minnesota River Bridge and the related Main Street Bridge both being near Milepost 36.17. The Section 106 process covering these two bridges has just been completed with the Board's Environmental Section and the Army Corp. of Engineers, the cities of Chaska and Carver and the UP desire to remove these two bridges during the current 2010 construction season in that the bridges may expose the area to potential flooding hazards in the spring thaw season. Upon receipt of a decision from the Board's Office of Proceedings acknowledging satisfaction of the 106 Condition, UP will have its contractor salvage the two bridges. UP is willing to negotiate with SCPT concerning the acquisition of the remaining portions of the Line for trail use for a period of sixty (60) days following reinstatement by the Board of the negotiation period for the issuance of an Interim Trail Use Condition. A copy of SCPT's request is attached hereto as **Exhibit "A"** and hereby made a part hereof.

Sincerely,

A handwritten signature in black ink, appearing to be "M. Shumate".

Attachment

cc: Scott County Park and Trails - (Community Development Division)  
O:\Abandonments\33-255\STB-60Day Trail Use Request-081910.doc



**SCOTT COUNTY PARKS AND TRAILS  
COMMUNITY DEVELOPMENT DIVISION**

GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220  
(952) 496-8475 • Fax (952) 496-8496 • Web [www.co.scott.mn.us](http://www.co.scott.mn.us)

**Mark Thomig**  
**Parks and Trails Program Manager**  
952-496-8783  
[mthomig@co.scott.mn.us](mailto:mthomig@co.scott.mn.us)

August 16, 2010

**Ms. Cynthia T. Brown, Chief**  
**Section of Administration**  
**Office of Proceedings**  
**Surface Transportation Board**  
**395 E Street, S.W.**  
**Washington, D. C. 20423**

**Subject:** STB Docket AB-33 Sub-No 255

- Request for 60-day reinstatement of Interim Trail Use for Negotiations with Union Pacific Abandonment in Scott and Carver Counties, Minnesota
- Request for New Trail Condition Excluding Minnesota River Bridge/Main Street Bridge (MP 36.17)

Dear Ms. Brown:

I am writing on behalf of the Carver County Regional Rail Authority and the Scott County Regional Rail Authority to request reinstatement of a 60-day extension of the trail use negotiation period to acquire the Union Pacific Chaska Industrial Lead from near Merriam, Minnesota at mile post 38 to end of line at mile post 33 in Chaska, Minnesota.

The Surface Transportation Board granted previous trail use negotiation periods and extensions, with the most recent period concluding on July 25, 2009. Unfortunately, we were unable to come to agreement during that time. The Regional Rail Authorities believe there is good cause for this request as we have renewed funding for the acquisition, and through informal discussions Union Pacific appears amenable to this request.

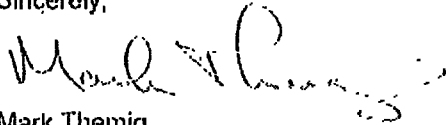
In addition to reinstating the negotiation period, the Regional Rail Authorities also request that a new trail use condition be provided that excludes the Minnesota River Bridge (spanning the Minnesota River between Carver and Scott County) and the attached Main Street Bridge in the City of Carver. These bridges, collectively referred to as the Minnesota River Bridge M.P. 36.17, have been found to be structurally deficient and in danger of collapse by both Union Pacific in their abandonment filing and the Regional Rail Authorities in an independent study. The trail use agreement between the Regional Rail Authorities and Union Pacific would address replacement of these structures should rail service be reactivated at some point in the future.

By my signature below, I certify service of a copy of this statement upon representatives of Union Pacific Railroad. The \$450 filing fee has been submitted by credit card to Barbara Saddler in your office.

If you have any questions regarding this request, please contact me at 952-496-8783, by email at mthemig@co.scott.mn.us, or in writing at the above address.

On behalf of the Regional Rail Authorities, thank you for consideration of this request.

Sincerely,



Mark Themig  
Program Manager

cc:

Mark Schulte  
Senior Manager-Real Estate  
Union Pacific Railroad Company  
1400 Douglas St , Mail Stop 1690  
Omaha, NE 68179-1690

Mack Shumate  
General Council  
Union Pacific Railroad Company  
101 North Wacker Drive  
Chicago, IL 60606.

Marty Walsh  
Carver County Regional Rail Authority  
600 East 4<sup>th</sup> Street  
Chaska, MN 55318